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LATHROP & GAGE LC 4845 PEARL EAST CIRCLE SUITE 300 BOULDER, CO 80301			SHEIKH, ASFAND M	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/903,444	BARBER ET AL.	
	Examiner Asfand M. Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 November 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-7,9-21,23-41,63-68,70 and 71 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-7,9-21,23-41,63-68,70, and 71 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

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**DETAILED ACTION**

***Amendment***

In light of the amendment entered 10-Nov-2006 claims 1, 3-7, 9-21, 23-41, 63-68, 70, and 71 are pending for examination. Claims 1, 3, 9, 63, 64 have been amended.

In light of the amendments made, this action has been made final.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 12, 18-19, 23, 26, 28, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al.

United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581.

As per claim 1, Newell et al. teaches coupling one or more kiosks to a central processing system via a telephone or

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dedicated line, each of the kiosks containing a plurality of optical recorded media (Newell et al., see at least, col. 3, lines 42-66 and col. 4, lines 12-20; Examiner "interprets central processing system" to be a server); determining, at the server, inventory of the optical recorded media of each of the kiosks (Newell et al., see at least, col. 3, lines 42-66 and col. 4, lines 12-20); routinely obtaining, at the server, operational status of each of the kiosks (Newell et al., see at least, col. 4, lines 13-35); a display screen in which selections and status information is displayed (Newell et al., see at least, col. 5, lines 42-61); dispensing the first local optical media from the first kiosk to the first user (Newell et al., see at least, col. 4, lines 65-68 and col. 5, lines 1-5); and accepting return of the first local optical media into rentable inventory of a second kiosk, the second kiosk being another one of the kiosks (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

The examiner notes Newell et al. is silent with respect to kiosk attached to a server via the internet; automatically communicating between the first kiosk and the server to authorize the first transaction; dispensing the first local optical media based of the authorization; and a touch screen

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interface providing a touch-selectable listing of optical recorded media contained within the first kiosk.

Lion teaches kiosks attached to server via the internet (Lion, see at least, col. 3, lines 48-61 and col. 4, lines 37-41); communicating between the first kiosk and the server to authorize the first transactions (Lion, see at least, col. 4, lines 37-41); and dispensing the product based of the authorization (Lion, see at least, 42-50).

*The Examiner notes the teachings of Lion are considered as analogous art.*

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include kiosks attached to server via the internet; communicating between the first kiosk and the server to authorize the first transactions; and dispensing the product based of the authorization as taught by Lion. One of ordinary skill in the art would have been motivated to combine the teachings in order to correctly identify and authenticate a customer before dispensing a product to the customer (Lion, see at least, col. 4, lines 27-31).

Young teaches a touch screen interface providing a touch-selectable listing of optical recorded media contained within

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the first kiosk (Young, see at least, col. 3, lines 25-31, and col. 9, lines 54-58).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include a touch screen interface providing a touch-selectable listing of optical recorded media contained within the first kiosk as taught by Young. One of ordinary skill in the art would have been motivated to combine the teachings in order to interactively interact with a kiosk in order to simplify the use of the kiosk (Young, see at least, col. 9, lines 40-59).

**As per claim 12**, Newell et al., teaches determining inventory at the server comprising tracking inventory movement of the first optical media between the first kiosk and the second kiosk (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

**As per claim 18**, the examiner notes that the limitations of claim 18 are substantially similar to that of claim 1, and is rejected under similar grounds.

As per claim 19, Newell et al., teaches managing the first and second kiosk from the central server (Newell et al., see at least col. 4, lines 12-48).

As per claim 23, Newell et al., teaches backing up at least part of the information stored in the central server within internal memory within the first kiosk (Newell et al., see at least col. 4, lines 12-48; Examiner notes the "reports" would be backed up information within the internal memory within a kiosk).

As per claim 26, Newell et al., teaches managing a group of kiosk through the via a central processing system connected to a dedicated line, the group of kiosk being a subset of all the kiosk (Newell et al., see at least, FIG. 1).

Newell et al. is silent with respect to managing the kiosks via the server through a personal computer connected to the internet.

Lion teaches managing the kiosks via the server through a personal computer connected to the internet (Lion, see at least, col. 3, lines 48-64 and FIG. 1; Examiner interprets "command to authorize the physical dispensing" to be the managing a kiosk).

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include via the server through a personal computer connected to the internet as taught by Lion. The motivation to combine is the same as claim 1, above.

**As per claim 28**, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

**As per claim 29**, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

Newell et al., is silent with respect of determining the inventory levels via an internet connection.

Lion teaches determining the inventory levels via an internet connection (Lion, see at least, col. 4, lines 40-41 and col. 5, lines 9-15).

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include determining the inventory levels via an internet

connection as taught by Lion. The motivation to combine is the same as claim 1, above.

As per claim 31, Newell et al., teaches routinely obtaining one or more alarm states associated with the first kiosk (Newell et al., see at least col. 4, lines 12-48).

3. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 1 above, and further in view of Koenck United States Patent 6,688,523.

As per claim 3, Newell et al. teaches a code on the optical media (Newell et al., see at least, col. 4, lines 49-59), and based off an identifier indicating which of the kiosks the first optical media may be returned to, and accepting the first optical media at the second kiosk is associated with an identifier (Newell et al., see at least, col. 4, lines 49-68, col. 5, lines 1-5 and col. 8, lines 29-34).

The examiner notes Newell et al., Young, and Lion are all silent with respect to capturing a digital image of a code.

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Koenck teaches capturing a digital image of a code (Koenck, see at least, col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include capturing a digital image of a code as taught by Koenck. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a cost effect, portable OCR reader that would increase the read rates and accuracy of a label (Koenck, see at least, col. 1, lines 23-30).

**As per claim 4**, Newell et al. teaches identifying optical media from different kiosks (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

The examiner notes Newell et al., Young, and Lion are all silent with respect to further comprising the steps of rotating the image via internal software.

Koenck teaches further comprising the steps of rotating the image via internal software (Koenck, see at least, col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

The examiner takes the position that it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include further comprising the steps of rotating the image via internal software as taught by Koenck. The motivation to combine is the same as claim 3, above.

**As per claims 5 and 6**, the Examiner notes that these limitations are substantially similar to those of claims 3 and 4, and are rejected under similar grounds. Further the examiner notes Newell et al. teaches a UPC (first code) and a unique tape identifier number (second code), which is in the form of a conventional bar code (Newell et al, see at least, col. 4, lines 49-59). Further the examiner notes it is a matter of design choice to utilize one or more bar codes that serve the same functional as one bar code.

**As per claim 7**, Kanoh teaches wherein one or both of the first code and second code comprise a bar code (Newell et al, see at least, col. 4, lines 49-59).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560

in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581, and Koenck United States Patent 6,668,523, as applied to claim 3 above, and further in view of Rudy et al. United States Patent 4,608,679.

As per claim 9, Newell et al. teaches accepting return of the first optical media into rentable inventory of the second kiosk and opening a door to an input/output slot of the second kiosk to accept the optical media (Newell et al, see at least, col. 4, lines 65-68 and col. 6, lines 10-28).

The examiner notes Newell et al., Young, Lion, and Koenck are all silent with respect to sensing characteristics of a case housing the first optical media, determining if the characteristics match a predetermined characteristic associated with the kiosk.

Rudy et al. teaches sensing characteristics of a case housing the first optical media (Rudy et al., see at least, col. 7, lines 15-51), and determining if the characteristics match a predetermined characteristic (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be determining a characteristic associated with the machine).

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The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, and Koenck to include sensing characteristics of a case housing the first optical media, and determining if the characteristics match a predetermined characteristic associated with the machine as taught by Rudy et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to quick effective method to retrieve optical storage discs (Rudy et al., see at least, col. 2, lines 33-53).

As per claim 10, The examiner notes Newell et al., Young, Lion, and Koenck are all silent with respect to wherein the predetermined characteristics are defined by the physical structure of the case.

Rudy et al. teaches wherein the predetermined characteristics are defined by the physical structure of the case (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be a physical structure of the case).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al.,

Young, Lion, and Koenck to include wherein the predetermined characteristics are defined by the physical structure of the case as taught by Rudy et al. The motivation to combine is the same as claim 9, above.

As per claim 11, The examiner notes Newell et al., Young, Lion, and Koenck are all silent with respect to wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the step of sensing characteristics sending the holes and blocked regions.

Rudy et al. teaches wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the step of sensing characteristics sensing the holes and blocked regions (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be a physical form. Further the Examiner notes that there would be blocked regions if the "infrared bean" could not pass through the hole).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, and Koenck to include wherein the physical structure forms one or more holes and one or more blocked

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regions in the case, and wherein the step of sensing characteristics sensing the holes and blocked regions as taught by Rudy et al. The motivation to combine is the same as claim 9, above.

5. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 1 above, and further in view of Maloney et al. United States Patent 6,119,932.

As per claim 13, The examiner notes Newell et al., Young, and Lion are all silent with respect to obtaining and storing one or more images through an image capturing device located within, or in proximity to the first kiosk.

Maloney et al., teaches obtaining and storing one or more images through an image capturing device located within, or in proximity to the first machine (Maloney et al., see at least, ABSTRACT, col. 2, lines 44-52, and col. 4, lines 1-21).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include obtaining and storing one or more

images through an image capturing device located within, or in proximity to the first kiosk as taught by Maloney et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an improved identification verification apparatus and method that keeps a record of the image (Maloney et al., see at least, col. 1, lines 33-43).

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 and Maloney et al. United States Patent 6,119,932 as applied to claim 12 above, and further in view of Ogasawara United States Patent 6,513,015.

**As per claim 14,** The examiner notes Newell et al., Young, Lion, and Maloney et al. are all silent with respect to wherein the step of obtaining comprises the step of imaging a person proximal to the first kiosk.

Ogasawara teaches wherein the step of obtaining comprises the step of imaging a person proximal (Ogasawara, see at least, col. 9, lines 11-28) to the kiosk (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, and Maloney et al. to include wherein the step of obtaining comprises the step of imaging a person proximal to the kiosk as taught by Ogasawara. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an electronic system that is able to collect and store customer recognition information in real time (Ogasawara, see at least, col. 3, lines 35-43).

As per claim 15-16, The examiner notes Newell et al., Young, Lion, and Maloney et al. are all silent with respect to imaging a person conducting a user identification or credit card input at the first kiosk.

Ogasawara teaches imaging a person conducting a user identification (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, and Maloney et al. to include imaging a person conducting a user identification as taught by Ogasawara. The motivation to combine is the same as claim 14, above.

**As per claim 17,** The examiner notes Newell et al., Young, Lion, and Maloney et al. are all silent with respect to transmitting the images to the central server.

Ogasawara teaches transmitting an image to the central server (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, and Maloney et al. to include transmitting an image to the central server as taught by Ogasawara. The motivation to combine is the same as claim 14, above.

7. Claims 20-21, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 1 above, and further in view of Tomita et al. United States Patent 6,965,869 (hereinafter Tomita).

**As per claim 20,** The examiner notes Newell et al., Young, and Lion are all silent with respect to further comprising the steps of communicating advertising information from the server to a third kiosk, the third kiosk being one of the kiosks, and

communicating the advertising information to users at the third kiosk.

Tomita discloses further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk (Tomita, see at least, col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk as taught by Tomita. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide advertising information to a customer, which improves and attracts the customers' inertest (Tomita, see at least, col. 3, lines 2-17).

As per claim 21, The examiner notes Newell et al., Young, and Lion are all silent with respect to wherein the step of communication the advertising information comprises one of

displaying the information on a screen at the third kiosk and audibly communicating information to the users through speakers at the third kiosk.

Tomita discloses communicating advertising information comprises displaying the information on a screen (Tomita, see at least, col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include communicating advertising information comprises displaying the information on a screen as taught by Tomita. The motivation to combine is the same as claim 20, above.

**As per claim 24 and 25,** The examiner notes Newell et al., Young, and Lion are all silent with respect to profiling user transactions at the second kiosk and communicating advertising information at the second kiosk based on the profiling of user transactions.

Tomita discloses profiling user transaction at a kiosk and communicating advertising information based on the profiling of user transactions (col. 5, lines 14-64, col. 6, lines 26-32, col. 8, lines 31-52).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include profiling user transaction at a kiosk and communicating advertising information based on the profiling of user transactions as taught by Tomita. The motivation to combine is the same as claim 20, above.

As per claim 27, The examiner notes Newell et al., Young, and Lion are all silent with respect to wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks.

However Tomita discloses wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks (Tomita, see at least, col. 5, lines 14-64 and col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks as taught by Tomita. The motivation to combine is the same as claim 20, above.

8. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581, and further in view of Crapo United States Patent Applicant Publication 2004/0064371.

As per claim 30, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

The examiner notes Newell et al., Young, and Lion are silent with respect to further comprising the step of emailing discount coupons to the first user through the internet based on inventory.

Crapo discloses further comprising the step of emailing discount coupons to the first user through the Internet based on inventory (Crapo; see at least, 0052; The Examiner notes that emails... such communications may include other incentives based on partner inventory" to be emailing coupons through the internet based on inventory).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include the step of emailing discount coupons

to the first user through the Internet based on inventory as taught by Crapo. One of ordinary skill in the art would have been motivated to combine the teachings in order identify members for incentive awards based on a variety of behaviors (Crapo, see at least, 0015).

9. Claim 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 32 above, and further in view of Peters United States Patent 5,769,269.

As per claim 32 and 33, Newell et al., teaches routinely obtaining one or more alarm states associated with the first kiosk (Newell et al., see at least col. 4, lines 12-48).

The examiner notes Newell et al., Young, and Lion are silent with respect to automatically sending information to the administration via voice and text messages by one or more of email and mobile phone, pager, or other wireless device.

Peters teaches automatically sending information to the administration via phone call (Peters, see at least, col. 16, lines 25-64).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include routinely obtaining, at the server, operational status of each of the kiosks as taught by Peters. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide the ability to remotely diagnose and monitor a kiosk (Peters, see at least, col. 2, lines 16-28).

10. Claims 34 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 1 above, and further in view of DeLapa et al. United States Patent 6,954,732 (hereinafter Delapa).

As per claim 34, The examiner notes Newell et al., Young, and Lion are silent with respect to further comprising the step of generating automatic promotions at one or more of the kiosks.

Delapa et al. teaches further comprising the step of generating automatic promotions at one or more of the kiosks (Delapa et al., see at least, ABSTRACT and col. 3, lines 30-67).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include further comprising the step of generating automatic promotions at one or more of the kiosks as taught by Delapa et al. One of ordinary skill in the art would have been motivated to combine the references in order to develop promotional campaigns designed to encourage increased purchases among its frequent shoppers (Delapa et al., see at least, col. 3, lines 1-3).

As per claim 38 and 39, The examiner notes Newell et al., Young, and Lion are silent with respect to further comprising the step of disturbing a coupon to one or more users of the system.

Delapa et al. teaches further comprising the step of disturbing a coupon to one or more users of the system (Delapa et al., see at least, col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include further comprising the step of

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disturbing a coupon to one or more users of the system taught by Delapa et al. The motivation to combine is the same as claim 34, above.

As per claim 40, The examiner notes Newell et al., Young, and Lion are silent with respect to distributing a coupon to a user comprises the step of distributing a coupon activated by a transaction at the first kiosk.

However Delapa et al. teaches wherein the step of distributing a coupon to a user comprises the step of distributing a coupon activated by a transaction at the kiosk (col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include further comprising the step of disturbing a coupon to one or more users of the system taught by Delapa et al. The motivation to combine is the same as claim 34, above.

11. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560

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in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 and DeLapa et al. United States Patent 6,954,732 as applied to claim 34 above, and further in view of Roberts United States Patent 6,493,110.

As per claim 35, The examiner notes Newell et al., Young, Lion, and Delapa et al. are all silent with respect to generating automatic promotions comprises the step of processing unique promotional codes.

However Roberts teaches generating automatic promotions comprises the step of processing unique promotional codes (Roberts, see at least, col. 6, lines 53-57 and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, Lion, Delpa et al. to include further comprising the step of generating automatic promotions at one or more of the kiosks as taught by Roberts. One of ordinary skill in the art would have been motivated to combine the references in order to provide the possibility of eliminating fraud (Roberts, see at least, col. 6, lines 53-57).

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**As per claim 36,** The examiner notes Newell et al., Young, and Lion are all silent with respect to the step of processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk.

Delapa et al. discloses processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk (Delapa et al., see at least col. 7, lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

**As per claim 37,** The examiner notes Newell et al., Young, and Lion are all silent with respect to the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk.

Delapa et al. discloses wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk (Delapa et al., see at least, col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

12. Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Lion United States Patent 6,330,491 and Young United States Patent 7,058,581 as applied to claim 1 above, and further in view of Dejageger United States Patent Application Publication 2001/0037207.

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**As per claim 41,** The examiner notes that Newell et al. in view of Lion and Young teaches administrating a kiosk via a remote terminal (see at least, claim 26 rejection).

The examiner notes Newell et al., Young, and Lion are silent with respect to administrating business data through a remote web interface.

Dejageger teaches administrating data through a remote web interface (Dejageger, see at least, 0014 and 0015).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Young, and Lion to include administrating data through a remote web interface as taught by Dejageger. One of ordinary skill in the art would have been motivated to combine the teachings in order to manage a facilitate the handling and direct operation of a remote kiosk (Dejageger, see at least, 0011).

#### ***Additional Claims***

**With respect to claims 63-68, 70, and 71,** The examiner notes that claims 63-68, 70, and 71 are substantially similar and thus are rejected under similar grounds as presented above.

***Response to Arguments***

13. Applicant's arguments filed 10-Nov-2006 have been fully considered but they are not persuasive.

With respect to the arguments directed to claims 1, 63, 18, 12, 66, 13, 14-16, 17, 19, 26, 23, 28, 29, and 41, these arguments are moot with respect to the new grounds of rejection for claim 1, in light of the amendment.

With respect to the arguments directed to claims 31-33, the argument with claim 31, is moot with respect to the new grounds of rejection for claim 1, in light of the amendment. The arguments directed to claim 32 and 33 are not persuasive. Newell et al. teaches routinely receives operational status of the kiosk (see rejection of claim 31). The examiner sought to combine Peters in order to show the notification to the administration (see rejections of claims 32 and 33). The Examiner did provide a *prima facie* case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

Further these arguments are moot with respect to the new grounds of rejection for claim 1, in light of the amendment.

With respect to the arguments directed to claims 3-7, 64, and 65, The argument directed to claim 3 moot, however Newell et al., teaches a group identifier (Newell et al., see at least, col. 4, lines 49-59). The examiner notes the barcode to be a group identifier. The Examiner sought to combine Koenck to teach rotating images of digitized barcodes via internal software (Koenck, see at least, col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23). The Examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim.

With respect to the arguments directed to claims 9-11, these arguments are moot with respect to the new grounds of rejection for claim 1, in light of the amendment.

With respect to the arguments directed to claims 20-21, 24-25, 27, 67-68, The argument directed to claim 24 is moot, however Tomita teaches profiling users based on transactions (Tomita, see at least, col. 5, lines 14-64, col. 6, lines 26-32, col. 8, lines 31-52) and presenting advertising information to the customer (Tomita, see at least, col. 6, lines 19-25). The examiner notes Tomita accrues points based on of transactions

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performed by the customer and then presents target points (e.g. which refer to special services) to the customer. These services include special sales, etc (Tomaita, see at least, col. 6, lines 26-32). The Examiner did provide a *prima facie* case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

With respect to claims 34, 38-40, 70-71, these arguments are moot with respect to the new grounds of rejection for claim 1, in light of the amendment.

With respect to claims 35-37, these arguments are moot with respect to the new grounds of rejection for claim 1, in light of the amendment.

#### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh  
Examiner  
Art Unit 3627

ams  
31-Jan-07

*Michael Cuff* 2/2/07  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**